

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,

v.

JONATHAN PETER MILLER

1:22-MJ-141

Defendant.

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Kathleen Callaway, a Special Agent with the Federal Bureau of Investigation (FBI), having been first duly sworn, do hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), duly appointed according to law and acting as such. I have been employed by the FBI since September 2014 and have been a Special Agent since May 2019. Since 2019, I have received training and experience in interviewing techniques, and arrest and search procedures. I was assigned as a Special Agent in the Philadelphia Division in September 2019, where I worked counterintelligence for approximately one year. In September 2020, I was assigned to the Washington, D.C. Field Office, where I worked counterintelligence. I am currently working with the Washington, D.C. Field Office, Northern Virginia Resident Agency, where I am responsible for conducting and assisting in investigations involving child pornography, the sexual exploitation of children, and human trafficking. I have gained experience through training with the FBI and in my every day work related to conducting these types of investigations. During my career as an FBI agent, I have (a)

participated in the execution of search warrants and arrest warrants for various crimes; (b) previewed and analyzed numerous recorded conversations and other documentation of criminal activity; (c) debriefed cooperating confidential human sources; (d) monitored wiretapped conversations; and (e) conducted physical surveillance of individuals engaged in various crimes. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including offenses involving the sexual exploitation of children, in violation of 18 U.S.C. §§ 2251 and 2252.

2. This Affidavit is submitted pursuant to Fed. R. Crim. P. 4 in support of a criminal complaint charging Jonathan Peter MILLER with receipt of material involving the sexual exploitation of minors, in violation of 18 U.S.C. § 2252(a)(2) & (b)(1). I respectfully submit that the information contained in this affidavit demonstrates probable cause to believe that MILLER has committed that offense, and therefore respectfully request that the Court issue the attached complaint and warrant for MILLER's arrest.

3. The statements contained in this Affidavit are based upon information that I obtained during this investigation and information that has been provided to me by other law enforcement sources. Since this Affidavit is being submitted for the limited purpose of establishing probable cause in support of the issuance of a criminal complaint and associated arrest warrant, I have not included each and every fact known to me or to other law enforcement officers concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MILLER has committed one or more violations of 18 U.S.C. § 2252(a)(2) & (b)(1).

STATUTORY AUTHORITY AND LEGAL DEFINITIONS

4. Title 18, U.S. Code, Section 2252(a)(2) prohibits any person from knowingly receiving or distributing any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

5. The term “minor,” as defined in 18 U.S.C. § 2256(1), means any person under the age of 18 years.

6. The term “sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2)(A)(i)-(v), means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

7. The term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

8. The term “child pornography,” as defined in 18 U.S.C. § 2256(8), is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of the visual depiction involved the use of a minor

engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

PROBABLE CAUSE

A. MILLER's Prior Conviction and Resulting Term of Supervised Release

9. The below information was obtained through discussions with MILLER's Virginia Department of Corrections (DOC) Probation Officer and with the Fairfax County Police Department (FCPD) Detective who responded to MILLER's residence on April 22, 2022. Furthermore, I reviewed reports provided by the DOC Probation Officer and FCPD Detective.

10. According to the Fairfax County Circuit Court Sentencing Order, on or about December 4, 2012, MILLER pleaded guilty in the Circuit Court of Fairfax County in the Commonwealth of Virginia to one count of Possession of Child Pornography, in violation of Virginia State Code § 18.2-374.1:1. I also know that, on or about February 22, 2013, the Fairfax County Circuit Court sentenced MILLER for this conviction to five years of incarceration and three years of supervised release.

11. According to Virginia Parole Board Order of Release and Conditions of Post-Release Supervision records, MILLER began his term of supervised release on or about March 31, 2020, and the term was scheduled to end in or around March 2023.¹ Among other conditions of post-release supervision, MILLER was expressly forbidden from possessing unregistered

¹ I know from MILLER's Probation Officer and his criminal history record that MILLER is serving two additional terms of supervised release arising from his prior convictions for burglary, in violation of Virginia State Code § 18.2-91 and § 18.2-92, and possession of burglarious tools, in violation of Virginia State Code § 18.2-94.

devices capable of accessing the internet and from possessing any sexually explicit materials.

MILLER was also required to obtain prior approval from his supervising officer in order to utilize internet services and, if approval was obtained, to install monitoring software and bear the cost of that software service.

B. The April 22, 2022 Incident

12. The below information was obtained through my discussions with MILLER's Virginia DOC Probation Officer and with the FCPD Detective who responded to MILLER's residence on April 22, 2022. Furthermore, I reviewed reports of the April 22, 2022 incident provided by the DOC Probation Officer and the FCPD Detective.

13. As detailed in FCPD Case Summary Report Case Number 2022-1120117 (hereinafter, the "Case Report"), on or about April 22, 2022, MILLER's Probation Officer conducted an unannounced visit to MILLER at his registered address, which is a motel located in Alexandria, Virginia, and is within the Eastern District of Virginia. There, the Probation Officer found next to the bedside table near the bathroom a Samsung cellular telephone with smartphone capabilities. This phone, which based on its IMEI appears to have a country of origin of the Philippines, had not been registered by MILLER with the Virginia DOC.

14. MILLER voluntarily provided oral consent for the Probation Officer to access the phone and voluntarily provided the pin code for the phone. The Probation Officer, as a result, was able to access the phone. As detailed in the Case Report and relayed to me in our conversations, the Probation Officer reported observing several open internet tabs through which MILLER appeared to have accessed websites relating to child pornography. The Probation Officer thereafter notified FCPD, and FCPD responded to the scene.

15. FCPD interviewed MILLER at his residence the same day of the incident. MILLER stated that he is the only individual with access to the phone and that he knows the pin code to access the phone. MILLER indicated he had possessed the phone for two weeks but that he could not afford to pay for the monitoring of the device, as required by the terms of his supervision. MILLER also provided his email address as millerjonathan9799@gmail.com.

16. During the interview—which was audio-recorded and conducted at MILLER’s residence—MILLER voluntarily gave FCPD oral consent to search the phone. According to the Case Report, while reviewing the phone, FCPD observed open Internet tabs to websites that appeared to contain child pornography. According to the Case Report, there were approximately 60 open tabs in the Google-based internet application, and several of those tabs displayed titles and or pictures depicting child pornography, including child sexual abuse material of prepubescent females.

17. At first, MILLER denied intentionally searching for or viewing child pornography. MILLER later admitted using applications to browse the internet “under the radar” as he knew viewing pornography of any kind was in violation of his supervised release. MILLER then stated that he was interested in “taboo” pornography and was looking for something “different.” He also admitted to having masturbated to child pornography in the past two weeks. Although MILLER initially denied being interested in child pornography because of age, he indicated an age preference of between 10 to 17 years old.

18. FCPD arrested MILLER on a Fairfax County Probation Violation Warrant at the conclusion of the interview. As evidence of the offense, FCPD seized MILLER’s phone. On or about April 27, 2022, FCPD obtained and executed a state warrant to search the phone. As part of the search warrant affidavit, FCPD explained, “Your affiant observed several tabs within an

internet browser that displayed child pornography. A few of these images of the child pornography depicted prepubescent females engaged in sexual acts with adult men.”

19. FCPD used Cellebrite to extract the data. In addition, FCPD utilized Cellebrite to take screenshots of the Internet tabs open within the phone’s Google Chrome application on April 22, 2022 (the date of MILLER’s interview). I subsequently reviewed those screenshots, which, as FCPD had indicated, showed approximately 60 open Internet tabs, most of which depict sexual exploitation of children under the age of 18. For example, one tab—titled “Base of the best CP from all over the Internet. 4000+ files”—contained approximately sixteen thumbnail videos, all of which depict minors being sexually exploited. The center of the page also had an option to select “popular links” such as “S.M.A.L.L. S.E.X. (4-12)” and “Lida (9) fucked by drunk father,” and tags for search “#cp,” “incest,” and “childporn.” Another open tab appears to be several links; four main thumbnail images take up the screen. The top left image depicts an adult male penetrating a minor female from behind leaning up against a table, “71105” is in the top right-hand corner of the image with “DOWNLOAD: ABUSE_CLAIRE_BU...” below it. The top right image depicts an adult woman crouched down using her tongue to penetrate a minor’s genitalia who is being held upside down, “62328” is in the top right-hand corner with “DOWNLOAD: ABUSE_CHLOE_C...” below it. The bottom left image depicts a minor female laying on her back using her hands to expose her vagina, with identifiers “58359” and “DOWNLOAD: BAN_CHLOE_LANE...” The bottom right image depicts a minor female sitting in an adult male’s lap, the adult male is penetrating the minor’s genitalia, with identifiers “52352” and “DOWNLOAD: ABUSE_CALI_CART...”

C. FBI’s Subsequent Involvement

20. In or around May 2022, FBI's Washington Field Office Child Exploitation and Human Trafficking Task Force was contacted by FCPD regarding the investigation of MILLER. FCPD advised the FBI of the circumstances regarding MILLER's supervised release violation. The U.S. Attorney's Office for the Eastern District of Virginia and the FBI thereafter initiated a federal investigation of MILLER.

21. On or about June 1, 2022, the Honorable Judge John F. Anderson, U.S. Magistrate Judge for the Eastern District of Virginia, issued a federal warrant authorizing the search of the phone that had been seized by FCPD and associated records, including the extraction of the phone already completed by FCPD. A digital forensic review of the phone extraction was conducted and at least the following evidence was found.

Evidence of User Attribution

22. Based on the digital forensic examination of the phone, there is probable cause to believe that MILLER owned and controlled the phone. This is because "Jonathan Miller" was listed as the device owner within the User Accounts and Details section, and the activation date for the device was listed as April 13, 2022. Moreover, a MasterCard credit card under the name of "Jonathan Miller" was found to have been saved to the device.

23. In addition, the following email addresses were saved within the device: millerjonathan979@gmail.com and millerjonathan9799@gmail.com. On or about May 16, 2022, Google provided records for the subscriber information associated with those two email accounts, and those records listed "Jonathan Miller" as the subscriber of both accounts.

Evidence of Child Pornography on the Phone

24. Based on the digital forensic examination of the phone, there also is probable cause to believe that MILLER used the phone to receive images of child pornography. For example, the

phone's web history between on or about April 15, 2022 and April 22, 2022—*i.e.*, the week leading up to MILLER's interview and arrest—indicate the device was used to visit websites with titles indicative of hosting child pornography, such as sites titled "Man rapes a little girl," "BEST KID PORN GALLERIES FREE CHILD PORN.," "BANNED CH!LDRENS CP PORNO," and "Best KiDs PUSSY [10 pics]." Some websites with titles indicative of child pornography appeared to have been visited multiple times over the course of that week, such as "Cute 7yo Lolita is taking off her clothes to show lil pussy," which was visited approximately three times on or about April 17, 2022; approximately four times on or about April 18, 2022; approximately one time on or about April 19, 2022; approximately five times on or about April 20, 2022; approximately one time on or about April 21, 2022; and approximately ten times on or about April 22, 2022.

25. In addition to the recent browser activity, the digital forensic review of the phone yielded search terms from the device's internet history that are indicative of child pornography, including "cp sites," "lolita sites," and "lolliporn."²

26. The device's web history also shows the use of search terms related to internet applications that allow users to browse the internet anonymously, such as DuckDuckGo, Dark Web, and The Onion Router (TOR).³ For example, on or about April 14, 2022, an application titled "Dark Web" was downloaded to the phone and, on or about April 17, 2022, "Onion Search Engine" and "Secure Browser: Dark Net" were downloaded. Furthermore, on or about April 17,

² From my training and experience, I know that the term "cp" is commonly used as an acronym for "child pornography" and the terms "lolita" and "lolli-" or "loli" are commonly used terms by individuals seeking child pornography on the Internet.

³ Based on my training and experience, I know that TOR is a routing service permitting internet users to access resources on the dark web anonymously.

2022, “hidden wiki”⁴ was searched using the DuckDuckGo Internet browser and the URL <https://deepweblinks.net/the-hidden-wiki/> was accessed from within that browser that same day.

27. The digital forensic examination of the phone also resulted in the recovery of hundreds of image files consistent with child pornography. All images saved to the phone were located at the following file path: Detected Model_SM-S124DL.zip/data/data/com.android.chrome/cache/Cache/Cache_Data.⁵ Four of the images located on the phone are described as follows:

a. A minor female, approximately 8 to 11 years old, is wearing a red tank top with her hair in pigtails. She is lying on her back with both arms raised above her head. Her wrists are bound with a white rope. An adult male appears to be straddling the minor female with his thighs slightly visible on either side of the image. The minor female’s eyes are closed, and the male’s left hand is at the base of his erect penis. The male is inserting his penis into the girl’s mouth.

b. A child, approximately one year old, is wearing a white onesie that has been opened to expose the child’s full chest. The child is looking down towards the bottom right of the image. The child’s left hand is holding an adult male’s erect penis. The adult male’s penis is making direct contact with the child’s mouth.

⁴ From my training and experience, I know that the Hidden Wiki is a forum that houses links to sites hosting child pornography and child sexual abuse material (CSAM), among other types of contraband.

⁵ Based on my training and experience, I know that the “cache” refers to image and data files that are automatically saved by devices as users browse the internet. Browsers are pre-programmed to save certain information, such as thumbnails of an image, so they can load the previous webpage viewed without having to download the same data and images once again. This helps a device, browser, or application run faster and more efficiently.

c. A minor female, approximately three to five years old, is wearing a white undershirt with a red sweatshirt. Her diaper has been opened and lays flat underneath her. She is clutching a white rabbit stuffed animal wearing a red dress in her left hand. She is laying on her back with her legs spread apart. She is looking directly at the camera. The camera is focused on the minor. An adult male has his left hand on the minor's abdomen just below the belly button. At the bottom of the image, the adult male is penetrating the minor's vagina with his erect penis.

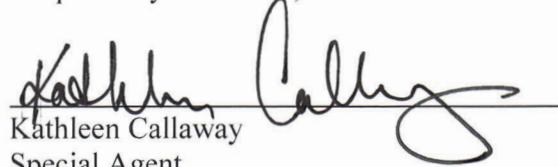
d. An adult male is laying on his right side on a brown blanket. He has a white shirt and no pants. The image is cropped to only include his chest and genitalia. A minor female, approximately four to seven years old, is laying directly in front of him on her right side staring at the camera with her mouth wide open. The minor is in a yellow SpongeBob long sleeve shirt pulled up to the top of her chest with no bottoms on. The minor's legs are spread apart. The focus of the image is on the adult male inserting his erect penis into the minor's anus.

(Continued on next page.)

CONCLUSION

28. Based on the foregoing, I respectfully submit that there is probable cause to believe that JONATHAN MILLER has committed the offense of receipt of material involving the sexual exploitation of minors, in violation of 18 U.S.C. § 2252(a)(2) & (b)(1). I therefore respectfully request that the Court issue the attached complaint and accompanying warrant for MILLER's arrest.

Respectfully submitted,


Kathleen Callaway
Special Agent
Federal Bureau of Investigation

Respectfully submitted and attested to
in accordance with the requirements of
Fed. R. Crim. Proc. 4.1 via telephone
on this 16th day of June, 2022.

Theresa C.
Buchanan


Digitally signed by Theresa C.
Buchanan
Date: 2022.06.16 14:04:58 -04'00'

The Honorable Theresa C. Buchanan
United States Magistrate Judge